

§ 14. Contestant's Credentials and Qualifications

Just as the contestee's credentials and qualifications may be grounds for bringing an election contest (see §9, *supra*), so may the contestant's credentials and qualifications be raised as a basis for dismissing an election contest.

Contestant's Standing

§ 14.1 An elections contest may be dismissed where it appears that the contestant was not a candidate of a registered political party in the state.

In *McEvoy v Peterson* (§52.2, *infra*), a 1944 Georgia contest, the House dismissed an elections contest where it appeared, *inter alia*, that contestant had attempted to run for the First Congressional District of Georgia seat as an "independent Republican" though there was no such political party in Georgia.⁽¹³⁾

Invalid Elections

§ 14.2 Contestants selected through an "election" held

13. The "standing" of a contestant to bring an election contest is discussed below, under "Parties," §19, *infra*.

without any authority of law in the state lack standing to bring an election contest.

In the 1965 Mississippi election contest of *Wheadon et al. v Abernethy et al.* (§61.2, *infra*), the House dismissed election contests brought by contestants that had been selected at an unofficial "election" held by persons in Mississippi from Oct. 30 through Nov. 2, 1964.

The contestants were all citizens, none of whom had been candidates in the official November 1964 election for Members of the U.S. House of Representatives. The "election" that had selected the contestants, by contrast, was held without any authority of law in the state.

The contestants had urged the unseating of the contestees and vacating of the official election on the basis of the alleged disenfranchisement of large numbers of Negro voters from the electoral process through intimidation and violence.

§ 15. Abatement

Under the Federal Contested Elections Act, a case abates in the event of the death of the contestant.⁽¹⁴⁾ Moreover, there have been

14. 2 USC §395.